

**MINUTES
OF THE
REGULAR MEETING OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
FEBRUARY 7, 2011
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:42 PM by Council President Butler

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Present: Councilmembers, Thomas Bullock, Kevin Butler, Shawn Juris, Mary Louise Madigan, Ryan Nowlin, Brian Powers, Monique Smith,.

....

Also Present: Mayor Summers, Law Director Hurley, Finance Director Pae, Police Chief Malley, Fire Chief Gilman, Building Department's Ashby, Engineering's Bill Corrigan and Planning & Development Acting Director Siley,

Motion by Mr. Butler, seconded by Ms. Madigan, to approve the Minutes of the Special Meeting of Council held January 2, 2011 and the Regular Meeting of Council held January 3, 2011.

Motion adopted. All members voting yea.

******OLD BUSINESS******

1. Committee of the Whole Report regarding Council Appointments to Boards and Commissions. (To Be Provided)

#1 Committee of the Whole Report regarding Council Appointments to Boards and Commissions - Butler

The Committee of the Whole which comprises all seven members of Lakewood City Council, has met a number of times recently for the purpose of addressing vacancies in boards and commissions to which we appoint citizen volunteers. I believe it was either last week or two weeks ago when Lakewood City Council, in Committee of the Whole met, actually it was two weeks ago, January 24 met to discuss and have interviews for the hospital board. After conducting a series of interviews with several interested and very well qualified residents, Council ultimately selected Rebecca Patton and John Litten to fill the vacancies in terms on the Lakewood Hospital Board and voted unanimously to the full council this evening that we adopt resolutions memorializing those appointments. Additionally tonight Council met in Committee of the Whole and we decided to appoint, reappoint that is, Ken Haber and Ray Cushing to two years terms on the Lakewood Audit

Committee which assists the administration and council in making reviews of the City's audit processes and books. Ray and Ken have served with distinction in the past and we were thrilled to be able to reappoint them. We deferred action on making an appointment to the Lakewood Planning Commission and the other boards that I have not mentioned this evening whose resolutions will follow this communication. Before Council tonight will be substituted versions of the resolutions on the docket tonight. The substituted versions merely insert the names of those we've appointed to these particular Hospital Board and Audit Committee positions and also remove the word "elected" from some of the language at the bottom of each resolution which the Charter does not require. So, we have eliminated some superfluous language in presenting these substituted versions to you tonight.

Motion by Mr. Butler, seconded by Ms. Madigan, to receive and file the oral report.
Motion adopted. All members voting yea.

2. **RESOLUTION NO. 8458-10** – Resolution to appoint **John Litten** as a member of the Governing Board of Lakewood Hospital for the unexpired two-year term, ending December 31, 2011. (**SUBSTITUTED** ON THE FLOOR 2/7/11 - PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 12/6/10, DEFERRED 1/18/11) (Pg. 8)

Motion by Mr. Butler, seconded by Ms. Madigan, to Substitute Resolution No. 8458-10, with that brought forward.

Yeas: Bullock, Butler, Juris, Madigan, Nowlin, Powers, Smith

Nays: none

Motion adopted. Resolution No. 8458-10 substituted.

Motion by Mr. Butler, seconded by Ms. Madigan, to suspend the rules requiring this Resolution to be read on three separate days and placing it on final reading.

Yeas: Bullock, Butler, Juris, Madigan, Nowlin, Powers, Smith

Nays: none

Motion adopted. Rules suspended.

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Resolution No. 8458-10 as substituted.

Yeas: Bullock, Butler, Juris, Madigan, Nowlin, Powers, Smith

Nays: none

Motion adopted. Resolution No. 8458-10 adopted as substituted.

3. **RESOLUTION NO. 8459-10** – Resolution to appoint **Rebecca Patton** as a Special Trustee of the Lakewood Hospital Association Board for a full five-year term, ending December 31, 2015. (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 12/6/10, DEFERRED 1/18/11) (Pg.9)

Motion by Mr. Butler, seconded by Ms. Madigan, to Substitute Resolution No. 8459-10, with that brought forward.

Yeas: Bullock, Butler, Juris, Madigan, Nowlin, Powers, Smith

Nays: none

Motion adopted. Resolution No. 8459-10 substituted.

Motion by Mr. Butler, seconded by Ms. Madigan, to suspend the rules requiring this Resolution to be read on three separate days and placing it on final reading.

Yeas: Bullock, Butler, Juris, Madigan, Nowlin, Powers, Smith

Nays: none

Motion adopted. Rules suspended.

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Resolution No. 8459-10 as substituted.

Yeas: Bullock, Butler, Juris, Madigan, Nowlin, Powers, Smith

Nays: none

Motion adopted. Resolution No. 8459-10 adopted as substituted.

4. **RESOLUTION NO. 8461-10** – Resolution to appoint _____ to the Lakewood Planning Commission for a full six-year term, ending December 31, 2016. (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 12/6/10, DEFERRED 1/18/11) (Pg.10)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Resolution No. 8461-10 on 2nd Reading.

Motion adopted. All members voting yea.

5. **RESOLUTION NO. 8462-10** – Resolution to appoint **Ray Cushing** as a member of the City of Lakewood Audit Committee for a two-year term, ending December 31, 2012. (**SUBSTITUTED** ON THE FLOOR 2/7/11 - PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 12/6/10, DEFERRED 1/18/11) (Pg.11)

Motion by Mr. Butler, seconded by Ms. Madigan, to Substitute Resolution No. 8462-10, with that brought forward.

Yeas: Bullock, Butler, Juris, Madigan, Nowlin, Powers, Smith

Nays: none

Motion adopted. Resolution No. 8462-10 substituted.

Motion by Mr. Butler, seconded by Ms. Madigan, to suspend the rules requiring this Resolution to be read on three separate days and placing it on final reading.

Yeas: Bullock, Butler, Juris, Madigan, Nowlin, Powers, Smith

Nays: none

Motion adopted. Rules suspended.

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Resolution No. 8462-10 as substituted.

Yeas: Bullock, Butler, Juris, Madigan, Nowlin, Powers, Smith

Nays: none

Motion adopted. Resolution No. 8462-10 adopted as substituted.

6. **RESOLUTION NO. 8463-10** – Resolution to appoint Ken Haber as a member of the City of Lakewood Audit Committee for a two-year term, ending December 31, 2012. (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 12/6/10, DEFERRED 1/18/11) (Pg.12)

Motion by Mr. Butler, seconded by Ms. Madigan, to Substitute Resolution No. 8463-10, with that brought forward.

Yeas: Bullock, Butler, Juris, Madigan, Nowlin, Powers, Smith

Nays: none

Motion adopted. Resolution No. 8463-10 substituted.

Motion by Mr. Butler, seconded by Ms. Madigan, to suspend the rules requiring this Resolution to be read on three separate days and placing it on final reading.

Yeas: Bullock, Butler, Juris, Madigan, Nowlin, Powers, Smith

Nays: none

Motion adopted. Rules suspended.

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Resolution No. 8463-10 as substituted.

Yeas: Bullock, Butler, Juris, Madigan, Nowlin, Powers, Smith

Nays: none

Motion adopted. Resolution No. 8463-10 adopted as substituted.

7. **RESOLUTION NO. 8466-10** – Resolution to appoint _____ as a member of the Animal Safety and Welfare Advisory Board for the unexpired two-year term, ending December 31, 2011. (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 12/6/10, DEFERRED 1/18/11) (Pg.13)

Motion by Mr. Butler, seconded by Ms. Madigan, to suspend the rules and read items 7-11 for a blanket motion.

Yeas: Bullock, Butler, Juris, Madigan, Nowlin, Powers, Smith

Nays: None

Motion adopted. Rules suspended; items read consecutively for a blanket motion.

* Blanket Motion to place on 2nd Reading was made after item 11.

8. **RESOLUTION NO. 8467-10** – Resolution to appoint _____ as a member of the Animal Safety and Welfare Advisory Board for a two-year term, ending December 31, 2012. (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 12/6/10, DEFERRED 1/18/11) (Pg. 14)

* Blanket Motion to place on 2nd Reading was made after item 11.

9. **RESOLUTION NO. 8468-10** – Resolution to appoint _____ as a member of the Animal Safety and Welfare Advisory Board for a two-year term, ending December 31, 2012. (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 12/6/10) (Pg.15)

* Blanket Motion to place on 2nd Reading was made after item 11.

10. **RESOLUTION NO. 8469-10** - Resolution to appoint _____ as a member of the Municipal Income Tax Board of Review for a three year term ending December 31, **2013**. (**PLEASE SUBSTITUTE** RESOLUTION NO. 8469-10; TYPOGRAPHICAL ERROR CORRECTED BY THE CLERK 1/14/11) (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 12/6/10, SUBSTITUTED & DEFERRED 1/18/11) (Pg.16)

* Blanket Motion to place on 2nd Reading was made after item 11.

11. **RESOLUTION NO. 8470-10** – Resolution appointing _____ to the Emergency Medical Services Commission for the full two year term. (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 12/6/10, DEFERRED 1/18/11) (Pg.17)

Motion by Mr. Butler, seconded by Ms. Madigan, to place items 7-11 on second reading.

Motion adopted. All members voting yea.

12. Committee of the Whole Report regarding Ordinance 109-10 (To Be Provided)

#12 Committee of the Whole Report regarding Ordinance 109-10 - Butler.

The Committee of the Whole, again the committee that represents all seven members of council met earlier this evening and several times in the past to discuss the ordinance that follows this communication. The ordinance as it was originally introduced merely codified the recommendations made by the Civil Service Commission which is an appointed commission that is charged by the Charter to make recommendations on Council and Mayor salaries which must be set by City Council by ordinance. Those recommendations were first published on December 20, 2010 and then referred to the Committee of the Whole. In the Committee of the Whole, Council has deliberated over and taken votes on several alternatives to the originally proposed ordinance and those have taken several forms. The Committee of the Whole's record will reflect all of those various votes that we've made. The last vote we were able to make this evening, and the one that I'll report out on is a vote to approve a substitute version of ordinance 109-10. The substitute version would do this, it would establish the salary of the Mayor pursuant to Article 2 section 5 of the second amended charter of the City of Lakewood and thereby modify the recommendations of the Civil Service Commission as follows: The public should know that the Civil Service Commission recommended that the Mayor's salary be increased starting next year to \$100,000. It's currently at around \$75,000. After a lot of deliberation we arrived at the following proposal and that is to increase the Mayor's salary to \$100,000 in two increments, the first to take effect January 1, 2012. The salary would be increased to \$90,000 which ...it's a number that represents essentially the upper limit of the Mayor's own cabinet level salaries. In any management level setting you wouldn't want the top manager of boss to be paid significantly or substantially less than his own administrators. So, the first increase would take effect January 1, 2012 which is the first date of the next term of the next mayor of the City of Lakewood, the next elected mayor of the City of Lakewood and then it would be bumped up to \$100,000 starting January 1, 2016, the first date of the next term four years later of the next elected mayor of the City of Lakewood. By a 5 to 2 vote this evening, Council approved a substituted version of the ordinance that I originally proposed by focusing exclusively on the Mayors salary increase and not changing in any way the compensation strategy or package for members of City Council. Council was unable in Committee of the Whole to arrive at an agreement on the salaries and compensation package for City Council members so for the time being those will remain as they are. The substituted version before us tonight, technically speaking, is an ordinance that establishes the salary of the Mayor according to the terms that I have just set out and again does not address the recommendations made by the Civil Service Commission with respect to Council benefits. Council has been provided a copy of that substitute and Council will, correct me if I'm wrong but, the version that Committee of The Whole recommended for adoption eliminates sections 2 and 3 of that substitute and any of the preamble language that deals with councilmember compensation. I also would like to add that in the Committee of the Whole discussions Mayor Summers who has indicated that he will actively campaign to retain his seat as the mayor beginning next year, has indicated that while he supports this increase and I don't want to put words in the Mayor's mouth, he'll have an opportunity to explain himself, I thought it important for the record that while he does support the concept of an increase in salary for the Office of the Mayor for the benefit of the future of Lakewood, he would

consider very strongly declining any increases that would go into effect if he were elected this fall in the event that our economic outlook for 2012 is grim. I appreciate that sentiment I will tell you that.

Chair will make a motion to receive and file the communication from the Committee of the Whole.

Seconded by Mary Louise Madigan

Powers: I think it important to put some things on the record at this point in regards to what happened in Committee of the Whole tonight rather than waiting until we address the ordinance. I'm fully in support of what we are going to do with respect to the Mayor's salary and in fact I think I'm the person that proposed the \$90,000 number for a year from now although I'm going to vote against the ordinance tonight and here's why. What was before us tonight in City Council was to act within as our charter, which is sort of the constitution of our City, that requires us to do within 60 days report from the Civil Service Commission. So the Civil Service Commission recommended not only the Mayor's increase that we just heard about but also a Council increase. The recommendation there was to go \$11,000 for Council plus \$3,300 for health insurance for a total of \$14,000. Currently, the liability, the exposure for council position is about, the \$7,000 for salary plus give or take depending on who you are and what health benefits you can elect because we are allowed by ordinance to elect health benefits, about \$19,000 is our current exposure for a councilperson if everyone was at the maximum. The ordinance that we had starting this evening in Committee of the Whole was to basically cut that in half and to eliminate health insurance benefits, take council salary to \$9,500, that's where that number came from, was roughly half of what we thought might be the exposure, and in 2014, not immediately but in 2014, when all councilmembers that are sitting here now will have had to run for re-election, at that same time, at that point, eliminate health insurance benefits and in effect cut in half council's compensation or potential liability of the City for Councils compensation at that point in time. That's what we had before us. There are very few times over the past few years that I've been disappointed in my fellow Councilmembers, tonight is one of them. We had an opportunity to act on something Council has for 33 years been unable to act on City Council salaries. We have several times in that 33 years enacted ordinances with respect to the Mayor's salary. I think we abdicated responsibility tonight. We didn't address, and so we will let die any movement on council. I think the right thing to do was to cut it in half and do what was proposed in the time frame that was proposed and now we're not going to. I'm going to vote against this tonight because I feel very strongly that that was, whether you voted for or against it, at least we should have stood here in front of the public and voted yes or no on that particular ordinance that was before us. I'm disappointed that we're not going to. I'm going to vote against the ordinance as proposed for those reasons, because it leaves out half of the equation, even though I am personally very supportive of the increase of the mayor's salary. Thank you.

Butler: I will say that I have been from the beginning of this discussion an active advocate in favor of increasing the base salary of councilmembers as well as increasing

the base salary of the Mayor. I recognize that if councilmembers elect healthcare coverage which by ordinance we are entitled to do at this point, that overall compensation package can skyrocket and that can't be overlooked. So, I thought that the proposal advocated by Councilman Powers which was to eliminate healthcare benefits and essentially make council's compensation even across the board at \$9,500 a year in salary alone beginning January 1, 2014, coupled with the increase that I've already mentioned in the Mayor's compensation was a very attractive compromise. I join Councilman Powers in supporting that. My colleagues on the whole didn't agree with that strategy. I will say however that by and large councilmembers do support the increase in the salary in the Office of Mayor. I was not inclined to withdraw my support for this modified version of the ordinance that we're voting on tonight just because I'm dissatisfied with what's happening with council compensation. I hope that this council continues to take up the discussion of adequate compensation for councilmembers. The public should be reminded of the fact that any votes we take on compensation for the office of councilmember do not affect the current councilmembers. They go into effect in the next term so it's not a self serving vote, it's a vote for future office holders and I think we blew it on this one but I'm still happy to support the increase in the Office of Mayor and that's what I'll be doing tonight.

Bullock: I'll start by thanking you and other members of Council including Mr. Powers who spent some time crafting language on both the issues of Council salary and mayoral compensation. For me this is not a burning issue on the to-do list. If council wants to take additional time to consider other ways to construct a council salary proposal that's ok with me. I don't know that any action we take or don't take tonight is the final word. In my time on council this is the first extensive, thoughtful, thorough discussion of these issues that we've had. Part of my thinking is less settled on the question of council salary than it is on the Mayor's salary so if we were to continue this in the future, I'm open to the discussion. So, that being said on the one issue. On the Mayor's salary I actually plan to my own surprise to support the proposal tonight and I say that because throughout these deliberations I've spoken on the opposite side but the deliberation with several colleagues on council has persuaded me. On the root issue I agree that structurally for years the Mayor's salary has been overly low and that over the long term it's appropriate and justified to increase the mayor's salary more in line with other cities, other peer cities and not to unrealistically be term after term after term asking the Mayor and the Mayors family to have a salary that's so out of sync. Now, as has been discussed not just by me but others in this deliberation, timing is not ideal in this sense since the economy is not the strongest, though we hope it's recovering, we could be in the position in 2012 and afterwards of seeing our City's general fund shrink and/or if we were to lose state funds which seems like a real prospect, we could be in a layoff position or in a position where we may be furloughing employees or the like. I had proposed, not successfully, language to potentially suspend the schedule of increases to the Mayor's salary under different circumstances. That didn't get support. I had planned, entering the building tonight, to oppose the underlying legislation but frankly I'm persuaded by the discussion tonight that that's a small point. I'm also reassured by the public statements of acting Mayor, this acting Mayor Summers, that if we do find ourselves in those budget constricting scenarios that he doesn't intend for that budget year to accept the scheduled increase.

That's not the ideal policy setting method however I would note to Council. Council shouldn't be asking people not to be taking their full salary if we have appropriated and assigned a full salary. In addition, this is for the acting mayor. He may not be the mayor after January 1. I may, though this is not ideal, ask other candidates for mayor to take the same pledge as a public, political promise which I think would be an appropriate measure of leadership. But that would only be a request from a citizen to a prospective leader. So, even though I think it would be a better approach to have conditions written into the language that would suspend potential increases. I nevertheless am going to accept the assurances of the acting mayor here and I fundamentally agree more, I think, with the root issue that the base salary should be increased for the mayor so I do plan to support tonight's ordinance.

Madigan: I'm not finished talking about the Council's salary. I want to make that clear. I know we're going to have to do it. We have to do it again, I consider that my responsibility. I consider the Charter every bit as important as my colleagues here whether we're voting for this or against this I understand that. What I'm doing tonight is I am dealing with the Mayor's salary in this economy because there is a very good reason to bring that salary up to market rate so that we don't find ourselves in jeopardy in another two or three years. I'm not so convinced with this Council salary. The idea about removing councilpersons privilege of taking part time health benefits to me is separate yet again. Because council currently are the only part time people who are offered or who can take healthcare benefits as a part time worker. That's another discussion, why that is, we don't know. That happened 33 years ago, whenever that happened. That is another discussion. I am not finished talking about Council salary and I appreciate that we have had one of our most vigorous disagreements ever for this group or a combination thereof of this group and I will take everyone at their word that no hard feelings are involved in any of this. This is a very difficult decision in this recession. We need to make the investment in the Mayor's salary. \$2,500 is non-transformative for the council salary and healthcare benefits for a part time worker we need to discuss in any case anyway.

Smith: To sort of add on to what Councilwoman Madigan was saying, what I heard in our deliberations tonight was that there was a lot of agreement about the need to increase the Mayor's salary and not so much agreement about what to do with Council's salary. I think it was productive and practical to just address the item that we could make some progress on and we did that tonight and I think it's a little offensive to imply that it's spineless to have done it this way and I sort of feel like maybe that's been implied. But, I think that we can move past it and work together and I think as Councilwoman Madigan said, we will make more progress on this and I look forward to talking about it more. I don't think it's a dead issue, I think we will deal with this and it's our responsibility to do so.

Powers: I certainly did not mean by my comments to offend anyone on this council and I did not use the word spineless and I think it's inappropriate in Council, on the record, to put words like that in other peoples mouths. For members of the public and on the record, for people who weren't in that meeting and leave the impression that someone

used that word or created that impression. No one said that. Certainly I did not. The facts are the facts. For 33 years no council has been able to act on this and we have acted on the Mayor's and we've done that again by separating these issues. History repeats itself. Those are the facts. I'm not saying it's spineless, not saying it's gutless, not saying it's anything other than we didn't do it again for 33 years in a row.

Butler: If I may just add to that. Councilman Powers and I have a great agreement on the need to do this and the need to do it now but we have a disagreement as to whether or not we should support what is remaining in front of us. I support what's remaining in front of us. I am hopeful that this council, whether I am still on it or not, is able to address the issue of Council compensation in the next month or so. I'm not optimistic because we have put forward...we've heard from councilmembers that are concerned that increasing the compensation for councilmembers for the first time since 1978 by \$2,500 over a salary of \$7,000 and eliminating a benefit that can be upwards of \$14,000 at a cost to the City is irresponsible. I don't know if this Council is going to be able to come up with something that is any more responsible than that. Councilman Powers is right, that halves the compensation available to Councilmembers and this council didn't support it. I can't see where the better idea is. I'm hoping it comes up but I'm not optimistic.

Madigan: I appreciate everything you said but that has the potential of compensation for members of council. Potential compensation depending if individual chooses to take healthcare from their part time job.

To receive and file the oral report.

Motion adopted. All members voting yea.

13. ORDINANCE NO. 109-10 - AN ORDINANCE to establish the base salary of the mayor at One Hundred Thousand Dollars (\$100,000.00) per year pursuant to Article II, Section 5 of the Second Amended Charter of the City of Lakewood, and to establish the base salary of councilmember at Eleven Thousand Dollars (\$11,000.00) per year, plus an optional health-care benefits package not to exceed Three Thousand, Three Hundred Dollars (\$3,300.00) per year, pursuant to Article III, Section 3 of the Charter, for the purpose of adopting the recommendations of the Civil Service Commission dated December 20, 2010. (PLACED ON 1ST READING & REFERED TO THE COMMITTEE OF THE WHOLE 12/20/10, 2ND READING 1/3/11) (Pg.18)

Motion by Mr. Butler, seconded by Ms. Madigan, to amend Ordinance No. 109-10 by deleting in the first paragraph (and to establish the salary of members of Council pursuant to Article II, Section 3 of the Charter, and to repeal Section 149.141 of the Lakewood Codified Ordinances authorizing hospitalization insurance coverage for Councilmembers.

Eliminating the following Whereas clauses:

WHEREAS, Council has determined that the ordinance authorizing hospitalization insurance coverage for Councilmembers creates a disparity with other part-time employees of the City of Lakewood;
WHEREAS, the elimination of hospitalization insurance coverage for Council members will in effect result in a significant decrease in overall available compensation for Councilmembers; and

Eliminating Section 2. and 3 and change Section 4 to Section 2.

Yeas: Bullock, Butler, Juris, Madigan, Nowlin, Smith

Nays: Powers

Motion adopted. Ordinance No. 109-10 amended.

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Ordinance No. 109-10 as amended.

Yeas: Bullock, Butler, Juris, Madigan, Nowlin, Smith

Nays: Powers

Motion adopted. Ordinance No. 109-10 adopted as amended.

14. Communication from Council President Butler regarding Commendation Resolution for former Mayor Edward FitzGerald (Deferred 1/18/11)(Pg. 20)

Motion by Mr. Butler, seconded by Ms. Madigan, to defer action on this item.

Motion adopted. All members voting yea.

15. **RESOLUTION NO. 8479-11** – A RESOLUTION to commend Edward FitzGerald for his public service as Mayor of the City of Lakewood. (Deferred 1/18/11) (Pg. 21)

Motion by Mr. Butler, seconded by Ms. Madigan, to defer action on this item.

Motion adopted. All members voting yea.

16. Communication from Council President Butler regarding Commendation Resolution for former Councilmember Nickie J. Antonio. (Pg.22)

Motion by Mr. Butler, seconded by Ms. Madigan, to receive and file the communication.

Motion adopted. All members voting yea.

17. **RESOLUTION NO. 8486-11** – A RESOLUTION honoring Nickie J. Antonio for her dedicated service to the citizens of Lakewood, Ohio. (Pg.23)

Motion by Mr. Butler, seconded by Ms. Madigan, to suspend the rules requiring this resolution to be read on three separate days and placing Resolution No. 8486-11 on final reading.

Yeas: Bullock, Butler, Juris, Madigan, Nowlin, Powers, Smith

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Resolution No. 8486-11.

Yeas: Bullock, Butler, Juris, Madigan, Nowlin, Powers, Smith

Nays: None

Motion adopted. Resolution No. 8486-11 adopted.

18. Health & Human Services Committee report regarding Resolutions No. 8484-11 & 8485-11. (To Be Provided)

#18 Health & Human Services Committee report regarding Resolutions 8484-11 and 8485-11 – Butler

The Health & Human Services Committee, which is a committee that I chair, Councilman Powers is the other committee member, we met tonight with Director Buckon to discuss the Resolutions that follow. The Resolutions are to accept an amount estimated to be approximately \$52,000...I'm sorry, it's money we've already accepted but it's to enter into an agreement with the West Side Community House to provide wrap services which are services that are designed to avoid having children and families enter into a child welfare setting. As the Director has explained to us, it can be as small as getting assistance to a family so they can obtain a washer and dryer or something along those lines or as large as connecting members of families to family counselors who will help them stay out of a welfare setting. The first resolution that follows is a resolution to enter into an agreement with the West Side Community House to provide those services to residents outside the City of Lakewood for whom the City of Lakewood is responsible under our overall Family to Family grant from Cuyahoga County. The second resolution is to enter into an agreement with the same agency, the West Side Community House, and that agreement is to get paid a sum of \$18,000 in order to provide the West Side Community House volunteers office space in the City and facilities in the City in order that they can accomplish their goals under another program which is called the Tapestry Program. What that does is provide children at risk of drug and alcohol dependency and at risk of mental health problems with support. So, the resolutions that follow were unanimously recommended for adoption this evening and Director Buckon has asked the full Council to suspend the rules and adopt the resolutions this evening in order that she be able to, the City be able to enter into these agreements because they actually would be retroactive to January 1, 2011.

Motion by Mr. Butler, seconded by Ms. Madigan, to receive and file the oral report.

Motion adopted. All members voting yea.

19. **RESOLUTION NO. 8484-11** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest possible period allowed by law to allow the Mayor, or his designee, on behalf of the City, to enter into a Agreement with The West Side Community House to provide Wrap services under the Family to Family System of Care Program for those individuals residing outside of the City of Lakewood for the period of January 1, 2011 to December 31, 2011 in an amount estimated to be \$52,000.00. (PLACED ON 1ST READING & referred to the health & HUMAN SERVCIES CMTE 1/18/11) (Pg. 24)

Motion by Mr. Butler, seconded by ms. Madigan, to suspend the rules requiring this resolution to be read on three separate days and placing Resolution No. 8484-11 on final reading.

Yeas: Bullock, Butler, Juris, Madigan, Nowlin, Powers, Smith

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Resolution No. 8484-11.

Yeas: Bullock, Butler, Juris, Madigan, Nowlin, Powers, Smith

Nays: None

Motion adopted. Resolution No. 8484-11 adopted.

20. **RESOLUTION NO. 8485-11** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest possible period allowed by law to allow the Mayor, or his designee, on behalf of the City, to enter into a Agreement with The West Side Community House to co-locate Parent and Youth Advocates and a Tapestry System of Care (TSOC) Care Coordinator for the period of January 1, 2011 to December 31, 2011 and to receive reimbursement for costs associated with providing space for those positions in an amount currently estimated at \$18,000.00. (Pg.26) (PLACED ON 1ST READING & referred to the health & HUMAN SERVCIES CMTE 1/18/11) (Pg. 24)

Motion by Mr. Butler, seconded by ms. Madigan, to suspend the rules requiring this resolution to be read on three separate days and placing Resolution No. 8485-11 on final reading.

Yeas: Bullock, Butler, Juris, Madigan, Nowlin, Powers, Smith

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Resolution No. 8485-11.

Yeas: Bullock, Butler, Juris, Madigan, Nowlin, Powers, Smith

Nays: None

Motion adopted. Resolution No. 8485-11 adopted.

21. Communication from Council President Butler regarding Community Relations Advisory Commission Report. (Pg.28)

Motion by Mr. Butler, seconded by Ms. Madigan, to receive, file and refer the communication to the Rules & Ordinances Committee.

Motion adopted. All members voting yea.

22. Housing Committee Report regarding Ordinance 108-10. (Pg. 31)

Motion by Ms. Madigan, seconded by Mr. Butler, to receive and file the report.

Motion adopted. All members voting yea.

23. **ORDINANCE NO. 108-10** - AN ORDINANCE to enact a new Section 1306.75, Emergency Authority for Order to Vacate; Imminent Danger, of the Codified Ordinances of the City of Lakewood, to grant the Building Commissioner authority to require a building found to create a risk to the life or safety of its occupants be vacated and not occupied until necessary repairs have been made or the provision of basic utility services have been restored in instances where the lack of maintenance or utilities places the tenants of the building in imminent danger. (**PLEASE SUBSTITUTE** FOR ORDINANCE 108-10 PLACED ON 1ST READING & REFERRED TO THE HOUSING COMMITTEE 12/6/10, 2ND READING 12/20/10) (Pg.32)

Motion by Ms. Madigan, seconded by Mr. Butler, so substitute Ordinance No. 108-10.

Yeas: Bullock, Butler, Juris, Madigan, Nowlin, Powers, Smith

Nays: None

Ordinance No. 108-10 substituted.

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Ordinance No. 108-10

Yeas: Bullock, Butler, Juris, Madigan, Nowlin, Powers, Smith

Nays: None

Ordinance No. 108-10 adopted as substituted.

24. Public Works Committee Report regarding Ordinance No. 2-11. (To Be Provided)

#24 Public Works Committee Report regarding Ordinance 108-10 – Bullock

We did meet tonight but we did not take action or have the time to consider this item so we'll simply have to schedule another meeting.

Motion by Mr. Bullock, seconded by Mr. Butler, to defer action on this item.

Motion adopted. All members voting yea.

25. **ORDINANCE NO. 2-11** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law, committing the City of Lakewood to participate in the upgrade and interconnection in the traffic signals along Detroit Avenue (U.S. 6A) from Cleveland Metro Park Drive/Sloane Avenue to Lakeland Avenue AND SIGNALS along West Clifton Boulevard at Sloane Avenue and Arlington Road in the City of Lakewood with the Ohio Department of Transportation. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC WORKS COMMITTEE 1/18/11) (Pg. 35)

Motion by Mr. Bullock, seconded by Mr. Butler, to place Ordinance No. 2-11 on 2nd Reading and refer it back to the Public Works Committee.

Motion adopted. All members voting yea.

26. **ORDINANCE NO. 1-11** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force at the earliest period allowed by law, to place a moratorium on the granting of permits for the installation of solid fuel burning appliances designed for connection to a central heating systems for a period not to exceed nine months in order to allow Council and the Administration to review the impact of the installation and use of such devices on the community and environment. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 1/18/11) (Pg. 38)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Ordinance No. 1-11 on 2nd Reading.

Motion adopted. All members voting yea.

****NEW BUSINESS****

27. Communication from Council President Butler regarding 2011 as Lakewood's "City Centennial". (Pg.40)

Motion by Mr. Butler, seconded by Ms. Madigan, to receive and file the communication.

Motion adopted. All members voting yea.

28. **RESOLUTION NO. 8487-11** – A RESOLUTION commemorating the 100th anniversary of the incorporation of Lakewood into a City and declaring 2011 as Lakewood’s City Centennial. (Pg. 41)

Motion by Mr. Butler, seconded by Ms. Madigan, to suspend the rules requiring this resolution to be read on three separate days and placing Resolution No. 8487-11 on final reading.

Yeas: Bullock, Butler, Juris, Madigan, Nowlin, Powers, Smith
Nays: None
Rules suspended.

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Resolution No. 8487-11.

Yeas: Bullock, Butler, Juris, Madigan, Nowlin, Powers, Smith
Nays: None
Motion adopted. Resolution No. 8487-11 adopted.

29. Communication from Councilmembers Bullock and Butler regarding Proposed ordinance to expand the size of the Animal Safety and Welfare Advisory Board. (Pg.42)

Motion by Mr. Butler, seconded b Mr. Bullock, to receive, file and refer the communication to the Public Safety Committee.

Motion adopted. All members voting yea.

30. **ORDINANCE NO. 3-11** – AN ORDINANCE to amend Sections 146.02, Membership and 146.03, Terms, of the Lakewood Codified Ordinances in order to enlarge the number of residents serving on the Lakewood Animal Safety and Welfare Advisory Board. (Pg.43)

Motion by Mr. Bullock, seconded by Mr. Butler, to place Ordinance No. 3-11 on 1st Reading and refer it to the Public Safety Committee.

Motion adopted. All members voting yea.

31. Communication from Councilmembers Bullock and Smith regarding Report from Saturday Lakewood Farmers market on its inaugural 2010 season. (Pg.45)

Motion by Mr. Bullock, seconded by Mr. Butler, to defer action on this communication.

Motion adopted. All members voting yea.

32. Communication from Councilmember Bullock regarding Proposed improvements to solicitor ordinance to better safeguard neighborhoods and improve our City's ability to screen, manage, and resolve problems with solicitors. (Pg.46)

Motion by Mr. Bullock, seconded by Mr. Butler, to receive, file and refer the communication to the Public Safety Committee.

Motion adopted. All members voting yea.

33. **ORDINANCE NO. 4-11-** AN ORDINANCE to amend Chapter 741, Peddlers, Vendors and Solicitors of the Codified Ordinances of the City of Lakewood in order to update the provisions and to better address citizen concerns with the current licensing and registration requirements. (Pg.47)

Motion by Mr. Bullock, seconded by Ms. Madigan, to place Ordinance No. 4-11 on 1st Reading and refer it to the Public Safety Committee.

Motion adopted. All members voting yea.

34. Communication from Mayor Summers regarding Appointments. (Pg.57)

Motion by Mr. Butler, seconded by Ms. Madigan, to receive and file the communication.
Motion adopted. All members voting yea.

35. Communication from Mayor Summers regarding Mayor's Appointment to the Loan Approval Board. (Pg.58)

Motion by Mr. Butler, seconded by Ms. Madigan, to receive and file the communication.
Motion adopted. All members voting yea.

36. Communication from Mayor Summers regarding Memorandum of Understanding between the City of Lakewood and the Cuyahoga Land Reutilization Corporation (CLRC) (Pg.59)

Motion by Mr. Butler, seconded by Ms. Madigan, to receive, file and refer the communication to the Housing Committee.

Motion adopted. All members voting yea.

37. **ORDINANCE NO. 5-11-** AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members of Council otherwise, it shall take effect and be in force after the earliest period allowed by law, authorizing the Mayor of the City of Lakewood to enter into an agreement with the Cuyahoga County Land Reutilization Corporation (CCLRC) to facilitate the

cooperation of the CCLRC and the City of Lakewood in reclamation, rehabilitation, and reutilization of vacant, abandoned, tax-foreclosed or other real property within the City of Lakewood. (Pg.60)

Motion by Mr. Butler, seconded by Ms. Madigan, to place Ordinance No. 5-11 on 1st Reading and refer it to the Housing Committee.

Motion adopted. All members voting yea.

38. Communication from Fire Chief Gilman regarding Resolution authorizing donation of Surplus fire alarm boxes to the Lakewood Association of Firefighters Local 382. (Pg. 62)

Motion by Mr. Butler, seconded by Ms. Madigan, to receive and file the communication. Motion adopted. All members voting yea.

39. **RESOLUTION NO. 8488-11-** A RESOLUTION authorizing the donation for the sale of 150 surplus fire alarm boxes to the Lakewood Association of Firefighters, Local 382 of the International Association of Firefighters AFL-CIO with the proceeds to be donated to the City of Lakewood Fire Department Bequest Fund for the establishment of a September 11th memorial in front of Fire Station 1 located at 14601 Madison Avenue, Lakewood, Ohio. (Pg. 63)

Motion by Mr. Butler, seconded by Ms. Madigan, to suspend the rules requiring this Resolution to be read on three separate days and placing Resolution No. 8488-11 on final reading.

Yeas: Bullock, Butler, Juris, Madigan, Nowlin, Powers, Smith

Nays: None

Motion adopted. Rules suspended.

Motion by Mr. Butler, seconded by Ms. Madigan, to adopt Resolution No. 8488-11.

Yeas: Bullock, Butler, Juris, Madigan, Nowlin, Powers, Smith

Nays: None

Resolution No. 8488-11 adopted.

Post Agenda Comments:

Mayor indicated a meeting was held with Mayors & Fire chiefs

RTA Ridership Study was mentioned

Al Spitzer regarding Re-use of land was DISCUSSED

Youth forum was mentioned.

Motion by Mr. Butler, seconded by Ms. Madigan, to adjourn.

Motion adopted. All members voting yea.
Meeting adjourned 9:48 PM.

Approved: _____

CLERK

PRESIDENT